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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 07/17/2025

July 11, 2025

By ECF & Fax

Hon. Nelson Stephen Román, USDJ  
U.S. District Court, Southern District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601  
Fax: (914) 390-4179

Re: *Physiologic Assessment Services, LLC vs. EmblemHealth*  
Civil Action No. 7:25-CV-05003-NSR

Dear Judge Román:

I represent EmblemHealth, the defendant in the above-referenced civil action. I am writing to object to plaintiff Physiological Assessment Services, LLC's filing of a motion to confirm an arbitration award and for entry of judgment (ECF Document 4), returnable on July 14, 2025, for the reasons set forth herein.

The plaintiff's motion violates Your Honor's Individual Practices in Civil Cases, which says, very clearly that a pre-motion conference with the Court is required for all motions except motions for admission *pro hac vice*, motions *in limine*, motions for reargument or reconsideration, and motions for temporary restraining orders or preliminary injunctions (Rule 3.A.ii.). The plaintiff's motion is to confirm an arbitration award and for entry of judgment. To the extent that the motion seeks summary judgment, the plaintiff's motion also violates Rule 3.G. of Your Honor's Individual Practices in Civil Cases, which, likewise, requires a pre-motion conference, as well as the filing of a Rule 56.1 statement of material facts.

It should be added that the notice of motion was part of a package of documents that was served upon EmblemHealth on June 25, 2025, and it was preceded by a Summons, a Petition and exhibits, and the Summons says, as it should, that the answer is due 21 days after service. The answer, therefore, per the Court's "Deadlines/Hearings" page, is due July 17, 2025, three (3) days *after* the return date of the plaintiff's improper motion.

I reached out to the plaintiff's counsel yesterday to address the timing of the motion, but I have not received a response yet. Given that the improper motion is returnable on Monday, July 14, 2025, I felt it was appropriate to raise the issue now, rather than await an opportunity to discuss the motion with the plaintiff's attorney.



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In view of the foregoing, EmblemHealth respectfully requests that the improper motion be removed from the calendar. Alternatively, if Your Honor is inclined to consider the plaintiff's motion, EmblemHealth respectfully requests that the return date be adjourned to a date at least 30 days from EmblemHealth's answer date, presently July 17, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carlos G. Manalansan".

CARLOS G. MANALANSAN

cc: Michael J. Smikun, Esq.  
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**Having reviewed the petition and motion, the Court finds no reason to strike Petitioner's motion and, therefore, DENIES Respondent EmblemHealth's request. The Court instead sets the remainder of the briefing schedule as follows:**

- (1) Respondent's opposition shall be served and filed on August 7, 2025, and
- (2) Petitioner's reply shall be served and filed on August 14, 2025.

**The parties are directed to mail two physical copies and email an electronic copy to Chambers of motion documents as they are served. Petitioner is instructed to mail a copy of this endorsement to Respondent's counsel and file proof of service on the docket.**

**Respondent's counsel is instructed to file a Notice of Appearance on ECF by July 21, 2025.**

**Dated: July 17, 2025**  
White Plains, New York

**SO ORDERED:**

A handwritten signature in black ink, appearing to read "Hon. Nelson S. Román".

HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE